

UWE SCHRONROCK ET AL.  
USSN 09/243,568  
REPLY TO OFFICE ACTION DATED NOVEMBER 5, 2002  
AMENDMENT OF September 5, 2003

CONDITIONAL PETITION FOR EXTENSION OF TIME

If entry and consideration of the amendments above requires an extension of time, Applicants respectfully request that this be considered a petition therefor. The Commissioner is authorized to charge any fee(s) due in this connection to Deposit Account No. 14-1263.

ADDITIONAL FEE

Please charge any insufficiency of fees, or credit any excess, to Deposit Account No. 14-1263.

REMARKS

Applicants respectfully request reconsideration and allowance of this application in view of the amendments above and the following comments.

The previous claims have been replaced by a new set of claims. New main claim 34 is supported by, for example, the last paragraph on page 16. The remaining claims 35-44 correspond to previous claims 23-26 and 28-33. Applicants do not believe the present amendment introduces new matter.

Claims 22-26 and 28-33 were rejected under 35 USC § 103(a) as being obvious over

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Inoue et al. ("Inoue I"), JP 04099730, Inoue et al. ("Inoue II"), JP 04099771, and Shtikhande et al. ("Shtikhande"), J. Food Sci. In response, Applicants respectfully request that the Examiner reconsider and withdraw this rejection as to the new claims. The new claims are drawn to a method of protecting skin against skin aging caused by oxidation. At best, the Examiner has made a case that combinations of ascorbyl compounds and certain flavonoids protect foods, cosmetics and pharmaceuticals against browning. There is no teaching or suggestion in these references that such combinations are useful to protect skin against skin aging caused by oxidation. Consequently, Applicants submit that the instant claims are patentable over the cited references.

In view of the foregoing, Applicants respectfully request that the Examiner reconsider and withdraw this rejection. An early notice that this rejection has been reconsidered and withdrawn is earnestly solicited.

Applicants believe that the foregoing constitutes a bona fide response to all outstanding objections and rejections.

Applicants also believe that this application is in condition for immediate allowance. However, should any issue(s) of a minor nature remain, the Examiner is respectfully requested to telephone the undersigned at telephone number (212) 808-0700 so that the issue(s) might be

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promptly resolved.

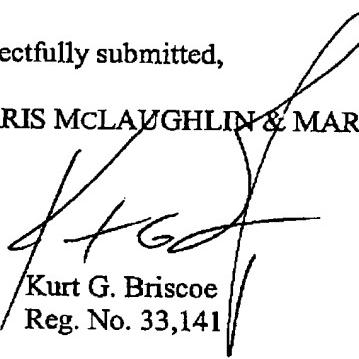
OFFICIAL

Early and favorable action is earnestly solicited.

Respectfully submitted,

NORRIS McLAUGHLIN & MARCUS, P.A.

By

  
Kurt G. Briscoe  
Reg. No. 33,141

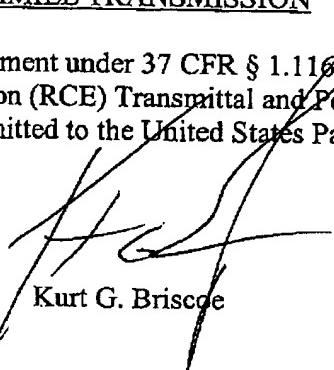
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CERTIFICATE OF FACSIMILE TRANSMISSION

I hereby certify that the foregoing Amendment under 37 CFR § 1.116 and the accompanying Request for Continued Examination (RCE) Transmittal and Petition for Extension of Time (9 pages total) are being facsimile transmitted to the United States Patent and Trademark Office on the date indicated below:

Date: September 5, 2003

By:

  
Kurt G. Briscoe